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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,187	07/16/2001	Albert Zur	D9418	3714

7590

04/22/2003

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EXAMINER

GABOR, OTILIA

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,187

Applicant(s)

ZUR, ALBERT

Examiner

Otilia Gabor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2001 and 25 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 16-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-15 in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Information Disclosure Statement

2. The information disclosure statement filed 05/14/2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because references AA-AF and AL do not have the issue date cited and because references AD and AO do not cite the name of the inventor/author as required. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). The abstract contained in the PCT Application WO 01/08224 A1 will be used in the interim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U. S. Patent 568660) and further in view of Lee et al. (U. S. Patent 5313066).

Lee et al. discloses an ionizing radiation detector 12 comprising:

- a glass substrate 62 on which the following layers are deposited:
 - o a patterned conducting layer 62
 - o an insulating layer 72 (i.e., charge buffer layer inhibiting charge flow in only one direction)
 - o a photoconductive layer 82 made of preferably selenium and which converts impinging X-ray radiation into charge carriers

- a charge blocking dielectric layer 84 which is transparent to the radiation intended to be detected (i.e., permits passage of X-rays and blocks passage of charges of certain polarity)
- an optical radiation shield 37 and an insulating Mylar dielectric layer 85 to block incident optical radiation from impinging onto the photoconductive layer.

One of ordinary skill in the art would have been motivated to use only the blocking layer to block the incident optical radiation in order to reduce the amount of layers used in the system. This substitution is warranted since the materials used for the blocking layer can be substituted for the materials used for the shield and the dielectric layer and thus only a change in the thickness of the blocking layer is required for the substitution.

Regarding claims 3-8 and 12 Lee et al. fails to disclose the specific materials for the conductive, the photoconductive, the charge buffer and the blocking layers, however one of ordinary skill in the art at the time the invention was made would have been motivated to use the materials as disclosed by Lee et al. since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Lee discloses using amorphous selenium, lead oxide, cadmium sulfide, mercury iodide or any other such materials for the photoconductive layer, aluminum for the conducting layer, polyethylene terephthalate (Mylar) for the charge buffer layer and for the charge blocking dielectric layer. It would

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have been obvious to one of ordinary skill in the art to use any other known materials for these layers. When Mylar is used as the blocking material, the layer is transparent to both X-rays and other radiation such as UV or IR, but the photoconductive layer will absorb only the radiation in the characteristic band gap energy (X-rays).

10. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. and further in view of Hamilton, Jr. et al. (U. S. Patent 5627377).

Lee et al. fails to use a passivation layer over the photoconducting layer, however one of ordinary skill in the art at the time the invention was made would have been motivated to include a dielectric passivation layer as disclosed by Hamilton, in order to reduce the current leakage in the system. Using the specific material for the layer as claimed constitutes only a matter of design choice, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Otilia Gabor whose telephone number is 703-305-0384. The examiner can normally be reached on Monday-Friday between 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 703-308-4852. The fax phone numbers for

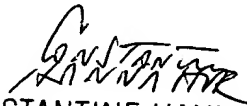
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the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


CONSTANTINE HANNAHER
PRIMARY EXAMINER
GROUP ART UNIT 2878

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April 18, 2003